

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

AMERIFORGE GROUP INC. d/b/a  
AFGLOBAL CORPORATION,

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,

Defendant.

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CIVIL ACTION NO. \_\_\_\_\_

**NOTICE OF REMOVAL BY DEFENDANT  
FEDERAL INSURANCE COMPANY**

Defendant, Federal Insurance Company (“Federal”), hereby removes the lawsuit currently before the District Court of Harris County, Texas, Cause No. 2016-00197, to the United States District Court for the Southern District of Texas, and would respectfully show the Court as follows:

1. This action is removable under 28 U.S.C. § 1441(a) based on the original jurisdiction conferred upon this Court by 28 U.S.C. § 1332(a)(1), i.e., the complete diversity of citizenship of the parties and the sufficiency of the amount in controversy.

2. As alleged in Paragraph 1 of the Plaintiff’s Original Petition (“Petition”) filed in state court in this lawsuit, Plaintiff Ameriforge Group Inc., d/b/a AFGlobal (“AFG”) is incorporated under the laws of the State of Texas and has its

principal place of business in Houston, Texas. It is therefore a citizen of Texas for purposes of diversity jurisdiction. 28 U.S.C. § 1332(c)(1).

3. Defendant Federal is a corporation that is incorporated under the laws of the State of Indiana and that has its principal place of business in New Jersey. It is therefore a citizen of both Indiana and New Jersey for purposes of diversity jurisdiction. 28 U.S.C. § 1332(c)(1).

4. Complete diversity of citizenship exists between the parties. Plaintiff is a citizen of the State of Texas, and the defendant is a citizen of states other than Texas.<sup>1</sup> The amount in controversy exceeds \$75,000, exclusive of interest and costs. Plaintiff seeks recovery of \$380,000 on an insurance policy issued by Federal (\$480,000 loss claimed minus \$100,000 deductible). In its Petition (¶2), AFG pleads that it “seeks monetary relief over \$1,000,000.”

5. Removal to this Court is proper under 28 U.S.C. § 1441(a) because the Southern District of Texas includes Harris County, Texas, the place where AFG filed its Petition.

6. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(1). It is filed within thirty days of the date that Citation with the Petition was served on Federal, who was served on January 14, 2016. This Notice of Removal is also timely

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<sup>1</sup> The Petition also named Chubb & Son Inc. as a defendant. Chubb & Son Inc. was non-suited and dropped from the state court action on February 10, 2016. Thus, Federal is the only remaining defendant as of the filing of this removal, and the consent of Chubb & Son Inc. to this removal is not required. Nevertheless, the undersigned counsel also represents Chubb & Son Inc., and, to the extent Chubb & Son Inc.’s consent is required, it hereby expressly consents to the removal of this case and joins in this Notice of Removal. Chubb & Son Inc. is incorporated under the laws of the state of New York and has its principal place of business in New Jersey. Chubb & Son Inc. was served with process herein on January 14, 2016.

filed under 28 U.S.C. §1446(b)(2) because it filed within one year of the commencement of the lawsuit, which occurred on January 4, 2016.

7. In accordance with 28 U.S.C. § 1446(a) and Local Rule 81, the following documents are attached hereto: (1) all executed process in the case; (2) all pleadings asserting causes of action, e.g., petitions, counterclaims, cross actions, third-party actions, interventions and all answers to such pleadings; (3) all orders signed by the state court judge; (4) the docket sheet; (5) an index of matters being filed; and (6) a list of all counsel of record, including addresses, telephone numbers and parties represented. These documents are all attached as Exhibit 1 and are incorporated herein by reference.

8. In accordance with Local Rule 3, a civil cover sheet is being filed with this Notice of Removal.

9. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be promptly filed with the clerk of the state court from which the action was removed and will also be served on AFG by serving its counsel of record in accordance with the Federal Rules of Civil Procedure.

10. By filing this Notice of Removal, Federal does not intend to waive any defenses it may have.

Respectfully submitted,

/s/ John R. Riddle

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ATTORNEYS FOR DEFENDANT  
FEDERAL INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Notice has been served on all counsel of record for Plaintiff, as listed below, on this 12th day of February, 2016, via electronic and regular mail.

Jacquelyn D. McAnelly  
Rachel R. Rosen  
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/s/ John R. Riddle

John R. Riddle